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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,363	12/01/2003	Christian Burger	1454.1505	8073

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EXAMINER	
WONG, XAVIER S	
ART UNIT	**PAPER NUMBER**
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/724,363	BURGER, CHRISTIAN	
	Examiner	Art Unit	
	Xavier S Wong	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1st December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *1st December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 9th April 2006.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority, *29th November 2002*, under 35 U.S.C. 119(a)-(d).

Information Disclosure Statement

The information disclosure statement submitted on *19th April 2006* has been considered by the Examiner and made of record in the application file.

Preliminary Amendment

Acknowledgement is made of applicant's preliminary amendment received on *9th February 2004*.

Claim Objections

Claim **14** is objected to because of the following informalities: "about to whom the user is connected to" on line *2* of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1 – 3**, **15** and **20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ong et al** (**U.S Pat 6,795,430 B1**) in view of **Wengrovitz et al** (**U.S Pub 2003/0023730 A1**).

Consider claims **1**, **2**, **15** and **20**, **Ong et al** disclose a method for integration of a packet-oriented network in a communication system (col. *3* ln. *2-10*) comprising: exchanging centralized signaling and service data through a PBX – central communication device (clms. *1,10*; fig. *1* item *120*); exchanging communication data between the PBX and a packet-oriented private (not PSTN) network *180* which is a LAN or intranet (col. *4* ln. *46-48*; fig. *1*); assigning a plurality of communication control servers to the packet-oriented network including an exchange SIP gateway (server) *124* (col. *2* ln. *53-59*; col. *3* ln. *16-23*; col. *4* ln. *36-38*; fig. *1* items *124,128,144,148,160,168*); implementing decentralized signaling and payload services through a call server by communicating decentralized signaling and payload (col. *3* ln. *4-26*); using an SIP gateway for bilateral exchange of the centralized and decentralized signaling and payload (col. *4* ln. *7-17*). However, **Ong et al** may not have explicitly mentioned an application interface of the central communication device (PBX) bilaterally converting the data between the

application interface and the packet-oriented network with at least one exchange server; or mention the exchange server notifies via an application interface a change in availability of a communication terminal. **Wengrovitz et al** disclose an SIP-PBX (obviously using an interface or an application embedded in the PBX) converting / translating between voice packets and speech data as well as SIP and PBX messages over a network with a split user agent proxy server / gateway – SUAPS (prghs. *0044-46,0049*; fig. *5* items *66,68,70*). Further, the SUAPS notifies the PBX of a telephone off-hook or a PC failure (change in availability) through messages (prghs. *0057,0059*). It would have been obvious to one of ordinary skill in the art to incorporate the teachings of an application interface of a central communication device bilaterally converting the data between the application interface and the packet-oriented network with at least one exchange server; and an exchange server, through an (application) interface, that notifies the central communication device in a change in availability of a terminal, as taught by **Wengrovitz et al** in the method and system of **Ong et al** in order to allow telephone and PC-SIP client to communicate.

Consider claim **3**, as applied to claim **1**, **Wengrovitz et al** further disclose the communication data is structured in CSTA (Computer Supported Telephony Applications) or CTI (Computer Telephony Integration) formats; therefore, following the Computer Telephony Applications Protocol (prgh. *0049*).

Claims **4 – 13**, **16** and **17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ong et al** (**U.S Pat 6,795,430 B1**) in view of **Wengrovitz et al** (**U.S**

Pub 2003/0023730 A1) and in further view of **Strathmeyer et al** (**U.S Pub 2002/0118675 A1**).

Consider claims **4 – 6**, as applied to claims **1**, **4** and **5**, **Ong et al**, as modified by **Wengrovitz et al**, disclose the claimed invention except explicitly mentioning a user registered at a first communication terminal is registered at a second communication terminal connected to the packet-oriented network if the second communication terminal is marked as available for the user; wherein to register the second communication terminal marked as available for the user and connected to the packet-oriented network, an event message is transferred via the application interface to the exchange processor, which evaluates the event message; wherein a Registration Server is connected to the packet oriented network, and after the exchange processor evaluates the event message, the exchange processor transfers a registration message to the Registration Server. **Strathmeyer et al** disclose a (first) calling terminal is registered in a (second terminal) called party in the packet-oriented network by means of a record-route header and new media channel information when messages signify the called party is (marked available) not busy (prghs. *0002,0062,0065,0068*) through a proxy (exchange) server, which monitors (evaluates) the messages and records the messages as if a registration server as well, in communication with an attached application (interface) computer (prgh. *0066*; fig. *7* items *701,801*). It would have been obvious to one of ordinary skill in the art to incorporate the teachings by **Strathmeyer et al**, in the method of **Ong et al** as modified by **Wengrovitz et al**, in order to single out unauthorized calls.

Consider claim **7**, as applied to claim **1**, **Ong et al** as modified by **Wengrovitz et al** disclose the claimed invention except explicitly mentioning a Presence and Availability Server and a Registration Server are connected to the packet-oriented network, call signaling messages arrive at the Presence and Availability Server, the Presence and Availability Server takes information for a called user from the call signaling messages, and the Registration Server retrieves information on the availability of the called user. **Strathmeyer et al** disclose a proxy server *801* that handles busy signals (to check for availability) and registration of incoming call signaling (prgh. *0059,0065*); therefore, it would have been obvious that server *801* acts as Presence and Availability Server and a Registration Server for achieving similar objectives.

Consider claim **8**, as applied to claim **7**, **Strathmeyer et al** further disclose if called party is not busy (available), an SIP invite message is forwarded to the called party (prgh. *0050*). It would have been obvious to incorporate the teachings by **Strathmeyer et al** in the method of **Ong et al**, as modified by **Wengrovitz et al**, in order to initiate connection.

Consider claims **9** and **10**, as applied to claims **8** and **9**, **Wengrovitz et al** further disclose if a call is directed to a PBX (central communication device), a media gateway control protocol emulator will convert an INVITE message from SIP to PBX messages (prgh. *0048-49*).

Consider claims **11** and **12**, as applied to claims **1** and **11**, **Ong et al** as modified by **Wengrovitz et al** disclose the claimed invention except explicitly mentioning call data is logged using an event message transferred via an application interface to the

exchange server; and event messages are generated as a result of call setup or call clearing of a communication terminal assigned to the central communication device. **Strathmeyer et al** disclose (event) messages are recorded in a proxy server *801* along with an application (interface) computer (prghs. *0059-61*); and event messages may be call setup or "after call setup" (disconnect / call clearing) messages (prghs. *0063,0065*). It would have been obvious to one of ordinary skill in the art to incorporate the teachings by **Strathmeyer et al**, in the method of **Ong et al** as modified by **Wengrovitz et al**, in order to examine information in the calls.

Consider claim **13**, as applied to claim **11**, **Wengrovitz et al** further disclose a SUAPS splits / transfers (event) messages in form of a data record to a database (prgh. *0051*).

Consider claims **16** and **17**, as applied to claim **15**, **Wengrovitz et al** further disclose a negative availability state of a communication terminal occurs during a telephone off-hook / disconnection (prgh. *0057*) or a non-operational PC terminal (prgh. *0059*). However, **Wengrovitz et al** may not have explicitly mentioned an existing communication connection or a connection is established at the communication terminal. Strathmeyer et al disclose detection of a busy signal; therefore, in busy state (prgh. *0065*). It would have been obvious to one of ordinary skill in the art to incorporate the teachings of learning an existing communication connection or a connection is established at the communication terminal as taught by **Strathmeyer et al**, in the method of **Ong et al** as modified by **Wengrovitz et al**, in order to notify caller that a called party is not available.

Claims **18 – 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ong et al (U.S Pat 6,795,430 B1)** in view of **Wengrovitz et al (U.S Pub 2003/0023730 A1)** and in further view of **Lindberg et al (U.S Pat 6,094,479)**.

Consider claims **18** and **19**, as applied to claims **1** and **18**, **Ong et al** as modified by **Wengrovitz et al** disclose the claimed invention except explicitly mentioning when putting the exchange server into service a status image of all communication terminals assigned to the central communication device is created through status messages obtained via the application interface; wherein the status image contains registration information of each communication terminal assigned to the central communication device. **Lindberg et al** disclose a private network (central) CTI server via a CTI (applications) interface *422* obtains unique identifiers (registration information) and updates status (image) of each device / terminal and changes in the devices (assignments) are communicated to the server in forms of events / messages (col. *12* ln. *63-64*; col. *13* ln. *1-18*). It would have been obvious to one of ordinary skill in the art to incorporate the teachings by **Lindberg et al** in the method of **Ong et al**, as modified by **Wengrovitz et al**, in order to facilitate establishment of service logic control paths between terminals.

Claim **14** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ong et al (U.S Pat 6,795,430 B1)** in view of **Wengrovitz et al (U.S Pub 2003/0023730 A1)** and **Strathmeyer et al (U.S Pub 2002/0118675 A1)**, as applied to claim **13**, and in further view of **Lewis et al (U.S Pat 6,947,531 B1)**.

Consider claim 14, as applied to claim 13, **Ong et al**, as modified by **Wengrovitz et al** and **Strathmeyer et al**, disclose data record type of call (col. *5* ln. *6-10*). However, data record containing information about the user, about to whom the user is connected to, about a start time and call duration are not explicitly mentioned. **Lewis et al** disclose originating (user) identifier, destination (user connected to) identifier (col. *16* ln.*48-49*); start time, calling balance [obviously a way to obtain duration] (col. *17* ln. *25-29*). It would have been obvious to one of ordinary skill in the art to incorporate the teachings by **Lewis et al** in the method of **Ong et al**, as modified by Wengrovitz et al and Strathmeyer et al, in order to implement advertising supported communications.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Donovan et al (**U.S Pat 6,434,143 B1**) disclose internet protocol telephony message deposit and retrieval.

Brady (**U.S Pat 6,226,287 B1**) discloses integrating Voice on Network VON with traditional telephony.

Balasayagan et al (**U.S Pub 2003/0152068 A1**) disclose endpoint address assignment in a Virtual Private Network VPN.

Samarasinghe (**U.S Pat 7,180,984 B1**) discloses SIP based media server and intelligent network.

Gallant et al (U.S Pat 6,636,596 B1) discloses intelligent network in IP telephony.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xavier Wong whose telephone number is 571-270-1780. The examiner can normally be reached on Monday through Friday 8 am - 5 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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